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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,993	05/20/2004	Michael Anthony Melham	P0001	8751

7590 11/09/2006  
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196 Joralemon St.  
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EXAMINER

HOFFLER, RAHEEM

ART UNIT PAPER NUMBER

2169

DATE MAILED: 11/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/849,993

Applicant(s)

MELHAM, MICHAEL ANTHONY

Examiner

Raheem Hoffer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## Detailed Action

### Claim Rejection – 35 USC 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Soulanille et al (USPG Pub No. 20050289120A9).

As for Claim 1, Soulanille et al teaches of receiving search criteria (see paragraph [0016], [0017], and [0099]); searching a computer readable medium for the search criteria or a representation of the search criteria to determine the search results (see paragraph [0040], [0041], and [0042]); and displaying a first plurality of the search results in a random order (see paragraph [0099], [0101], and [0103]).

As for Claim 2, Soulanille et al teaches the first plurality of the search results are displayed in a random order in a first list (see paragraph [0016], [0017], [0101], and

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[0103]).

As for Claim 3, Soulanille et al teaches displaying a second plurality of the search results in a random order in a second list (see paragraph [0016], [0017], [0101], and [0103]).

As for Claim 4, Soulanille et al teaches the number of the search results displayed is adjustable (see paragraph [0044], [0086], [0088], and [0138]).

As for Claim 5, Soulanille et al teaches the number of the search results displayed in the first list is adjustable (see paragraph [0044], [0086], [0088], and [0138]).

As for Claim 6, Soulanille et al teaches the number of the search results displayed in the second list is adjustable (see paragraph [0044], [0086], [0088], and [0138]).

As for Claim 7, Soulanille et al teaches displaying a second plurality of the search results in a random order in a second list (see paragraph [0016], [0017], [0101], and [0103]).

As for Claim 8, Soulanille et al teaches the number of the search results displayed in the second list is adjustable (see paragraph [0044], [0086], [0088], and

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[0138]).

As for Claim 9, Soulanille et al teaches the representation of the search criteria is a unique identification number assigned to the search criteria (see paragraph [0058], [0080]).

As for Claim 10, Soulanille et al teaches the representation of the search criteria is a unique identification number assigned to the search criteria (see paragraph [0058], [0080]).

As for Claim 11, Soulanille et al teaches the search criteria comprise a geographic location (see paragraph [0045], [0077], and [0078]).

As for Claim 12, Soulanille et al teaches the search criteria comprise a type of business (see paragraph [0045], [0077]).

As for Claim 13, Soulanille et al teaches the search criteria comprise a yellow pages listing (see paragraph [0045], [0077]).

Claims 14-26 and 27-39 differ from claims 1-13 in that claims 14-26 are system and claims 27-39 are computer readable medium whereas claims 1-13 are method

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claims. Thus, claims 14-26 and 27-39 are analyzed as previously discussed with respect to claims 1-13 above.

### **Conclusion**

3. The prior art made of reference and not relied upon is considered pertinent to the applicant's disclosure.

Soulanille et al (US Patent No. 7110993B2) teaches a system and method for influencing a position on a search result list generated by a computer network search engine.

Meisel et al (USPG-Pub No. 20030033292A1) teaches a system and method for enabling multi-element bidding for influencing a position on a search result list generated by a computer network search engine.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raheem Hoffler whose telephone number is (571) 270-1036. The examiner can normally be reached on 7:30 a.m. - 5:00 p.m..

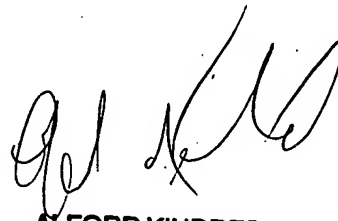
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on (571) 272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RH



Raheem Hoffler



ALFORD KINDRED  
PRIMARY EXAMINER